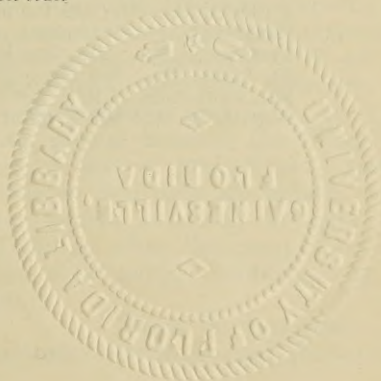
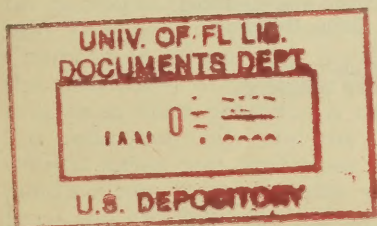
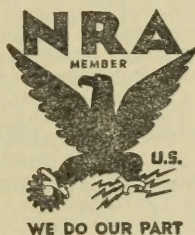


NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
SECONDARY ALUMINUM
INDUSTRY

AS APPROVED ON FEBRUARY 8, 1934

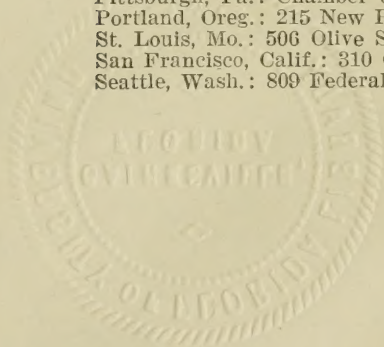


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CODE OF FAIR COMPETITION
FOR THE
SECONDARY ALUMINUM INDUSTRY

As Approved on February 8, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE SECONDARY ALUMI-
NUM INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Secondary Aluminum Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, subparagraphs (a), (b), (c), (d), insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

K. M. SIMPSON,
Division Administrator.

WASHINGTON, D.C.,
February 8, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The original Code of Fair Competition for the Secondary Aluminum Industry was submitted August 15, 1933 (revised September 28, 1933), by the Aluminum Research Institute, an unincorporated membership society representing in excess of 80% of known members of the Industry and volume of production. The hearing was conducted in conjunction with the hearing for the Aluminum Industry on September 28, 1933. The Code was revised during the recess of this hearing and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Industry is nationwide in character. The factories are located with economic relationship to sources of aluminum scrap or aluminum bearing waste for refining and remelting and subsequent sale of industry products. In the main the plants are located east of the Mississippi River (St. Louis included), together with a few factories on the Pacific Coast. The Industry supplies ingots of secondary aluminum and aluminum alloys to the Steel Industry for use as a dioxidizer, to the Chemical Industry for the Non-Ferrous Foundries for the production of aluminum or aluminum alloy castings, to the Automotive Industry for the casting of crank cases, etc., to the Building Industry for decorative trim, either rolled or cast, and to the Household Industry for rolled or cast cooking utensils, household equipment, etc.

The Industry came into being about 1910 with the increasing amounts of aluminum scrap that were available. Through the offices of the Aluminum Research Institute processes for refining of aluminum scrap and aluminum-bearing waste have been developed so that the Industry products for many applications are substantially equivalent to virgin aluminum. The growth of the Industry and its relationship to virgin aluminum is indicated in the following table. Based upon these figures (compiled by the Department of Commerce Bureau of Mines) the position of the Secondary Aluminum Industry is that the price of scrap aluminum and aluminum-bearing material may one day dominate the market price for the virgin material, as is the case in other kindred metal industries. It is interesting to note that the Aluminum Company of America represents less than 5% activity in the Secondary Aluminum Industry.

Year	Primary	Secondary	Percent- age	Year	Primary	Secondary	Percent- age
	<i>Tons</i>	<i>Tons</i>			<i>Tons</i>	<i>Tons</i>	
1931.....	88,777	30,300	34	1923.....	64,350	21,300	33
1930.....	114,517	38,600	34	1922.....	36,960	16,200	44
1929.....	112,500	48,400	43	1921.....	26,950	8,900	33
1928.....	105,000	47,800	46	1920.....	68,860	15,500	22
1927.....	79,860	46,200	58	1919.....	89,760	18,691	20
1926.....	72,380	44,200	61	1918.....	112,200	15,050	13
1925.....	69,850	44,000	51	1917.....	99,770	16,100	16
1924.....	75,130	27,000	36	1916.....	69,410	19,300	27

The major portion of the tonnage of secondary aluminum is produced in plants primarily engaged in the manufacture of secondary aluminum and its alloys. However, a very considerable portion of the total tonnage is produced in plants that operate primarily for the production of alloys of some other nonferrous metal base. In such latter plants which produce a variety of alloys of different base, employees usually work interchangeably. It is therefore practically impossible to state the precise number of employees that are engaged in the production of secondary aluminum. In the original Code that was offered by the Secondary Aluminum Industry, an estimate of 500 employees was made and this figure is believed to be approximately correct, as of August 1, 1933, although the total number would now exceed this figure because of the substantial increase in employment which has been caused by this Industry's compliance with the terms of the President's Reemployment Agreement with exceptions as approved by the N.R.A.

A careful survey, made in September, showed that the average number of hours worked in the Secondary Aluminum Industry during the week of July 23, 1933, was 55.45 hours. At a meeting of the members of Aluminum Research Institute held on August 11, 1933, at which the first draft of a tentative Code of Fair Competition for the Secondary Aluminum Industry was prepared and approved, a resolution was unanimously adopted that all members would anticipate the Code provisions for a 40-hour week and a 35¢ per hour minimum wage by putting these provisions into effect as of August 21, 1933. To the credit of this Industry, this was lived up to by the members of Aluminum Research Institute, thus making these increases in wages and reductions in working hours per week take effect prior to the action of the N.R.A. Policy Board in approving exceptions to the P.R.A. The September survey further showed that during the week of September 10, 1933, following the labor readjustments of August 21st, the average hours per week worked in the plants of this membership, was 39.9 hours, a decrease in average hours per week, as compared with the average hours during the week of July 23, of 27.9%.

Another survey was made in November to judge the results of the increase in wages and the decrease in working hours. To avoid confusion and to eliminate guesswork, all members were asked to report on all factory employees, whether or not these employees were engaged exclusively upon the production of secondary aluminum. The months of June and October, before and after the voluntary increase in wages and decrease in hours, were chosen for the com-

parison. This careful survey indicated the following: that the total number of this membership's employees in October had increased by 50.52% over the total number in June; that the total October payroll had increased 19.60% over the total June payroll; that the average minimum wage rate of October represented an 18.37% increase over the average June minimum wage rate of 29.57¢; and that these substantial contributions to industrial recovery had been made in the face of a 7.28% decrease in production in October as compared with June. Reports from a representative cross section of the industry indicate there were more factory employees on the payrolls of the members of this Institute in October 1933 than the average number employed during the peak year of 1929.

The Aluminum Research Institute was organized in June 1929, and has actively and continuously functioned since that date. Among the outstanding accomplishments of the Aluminum Research Institute has been the formulation of a basic cost-finding procedure which is susceptible of expansion to meet the most intricate demands for the details of the costs of production and distribution. The Aluminum Research Institute has also successfully carried to conclusion, the formulation of standard methods (which are and always will be subject to improvements and extensions) for the sampling and analyzing of aluminum and its alloys. Copies of these standards are in the hands of all American aluminum users who maintain their own chemical laboratories, all technical colleges and all commercial chemists who give particular attention to the chemistry of metals. Copies of this book have also been furnished upon request to inquirers in practically all the principal countries of the world.

ARTICLE I. *Purpose*.—States the purpose of the Code.

ART. II. *Definitions*.—Accurately defines specific terms applicable to the Secondary Aluminum Industry as used in this Code.

ART. III. *Hours*.—The maximum hours are limited to 40 hours per week for employees engaged in the processing of products and labor incident thereto except that during any six weeks in any six months' period employees shall be permitted to work a maximum of 48 hours in any one week. Watchmen shall be permitted to work a maximum of 56 hours per week with one day off per week. Office, salaried, and other employees not covered above, who receive less than \$35.00 per week, shall not be permitted to work in excess of 40 hours in any one week except that during any six weeks in any six months' period such employees shall be permitted to work a maximum of 48 hours in any one week. A normal work day shall not exceed 8 hours. Employees engaged in an executive, managerial, or supervisory capacity, who receive more than \$35.00 per week, and employees, other than those engaged in processing or labor operations directly incident thereto, are not subject to any hourly limitations. The maximum hours shall not apply in case of emergencies or repairs where the safety of life and health or the protection of property necessitates longer hours.

ART. IV. *Wages*.—The minimum wage for employees engaged in the processing of products or in any labor incident thereto is at the rate of 35 cents per hour. Female employees shall be paid the same rate of pay as male employees for doing the same work or for per-

forming the same duties. No person employed in clerical or office work shall be paid less than at the rate of \$15.00 per week, except that office boys and girls may be paid a minimum wage of 80% of the established minimum for office employees. Such office boys and girls shall be limited to 5% of the total number of office employees in any given establishment, provided, however, that each establishment is entitled to at least one such employee. The established minimum rate of pay (Article IV-a) for the work performed in any period shall apply irrespective of whether an employee is actually compensated on time rate, piecework, or other basis. Provision is also made for the employing of handicapped persons, who shall be paid not less than 80% of the minimum wage scale.

ARTICLE V. *General Labor Provisions.*—Provides that no employer shall employ any person under 16 years of age and that no person under 18 years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. This article also sets forth the mandatory provision respecting the rights of employees to organize and bargain collectively. This article also provides for matters having to do with reclassification of employees, standards for safety and health, the observance of State laws, and posting of complete copies of this Code so that they are accessible to employees.

ART. VI. *Administration.*—Establishes a Code Authority consisting of five (5) persons, four (4) of whom shall be selected by the Aluminum Research Institute and one (1) of whom shall be selected by the associate members of said Institute. In addition to the five (5) members named above, there may be one or three representatives, without vote, to be appointed by the Administrator to serve without expense to the Industry for such terms as he may specify. In addition to the organization of the Code Authority, the powers and duties thereof are also outlined in this article.

ART. VII. *Marketing and Trade Practice Rules.*—Sets forth fair trade practices for the Industry.

ART. VIII. *Export Trade.*—No provision of this Code relating to prices or terms of selling, shipping, or marketing, shall apply to export trade or sales or shipments for export trade.

ART. IX. *Modification.*—This Code and all provisions thereof are expressly made subject to the right of the President, in accordance with subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act. Provision is also made that at the election of the Administrator this Code may become a supplemental Code of Fair Competition for the Aluminum Industry, if and when such a Code is adopted and approved by the President for such industry, provided that the Code Authority herein constituted shall remain the Code Authority for the Industry engaged in the production and manufacture of secondary aluminum and its alloys.

ART. X. *Monopolies.*—No provision of this Code shall be so applied as to permit monopolies, or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ART. XI. *Effective Date.*—This Code shall become effective two weeks after its approval by the President.

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The Code will promote the policies and purposes of Title I of the Act, including removal of obstructions of the free flow of interstate and foreign commerce, which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervisions, by eliminating unfair competitive practice, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and otherwise rehabilitating industry.

(b) Said industry normally employs less than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as revised complies in all respects with the pertinent provisions of Title I of the Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the Aluminum Research Institute was and is an industrial group truly representative of the industry; and that said association imposed and imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, this code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

FEBRUARY 8, 1934.

CODE OF FAIR COMPETITION FOR THE SECONDARY ALUMINUM INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the industry engaged in the production and manufacture of secondary aluminum and its alloys, and upon approval by the President, its provisions shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

(a) The term "Industry engaged in the production and manufacture of secondary aluminum and its alloys" or "the industry" as used herein includes all producers who recover metal from aluminum scrap and residue and the refining and alloying thereof.

(b) The term "member of the industry" includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the industry either as an employer or on his own behalf.

(c) The term "employee" as used herein includes any and all persons engaged in the industry however compensated excepting a member of the industry.

(d) The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

(e) The terms "President", "Act", and "Administrator" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

(f) Population for the purposes of this Code shall be determined by reference to the latest Federal census.

ARTICLE III—HOURS

(a) *Maximum hours.*—No employees shall be permitted to work in excess of 40 hours in any one week or 8 hours in any 24-hour period, except that during any 6 weeks in any 6-month period, employees shall be permitted to work a maximum of 48 hours in any one week, and except as herein otherwise provided. Watchmen shall be permitted to work a maximum of 56 hours per week with one day off per week.

(b) *Hours for clerical and office employees.*—No person employed in clerical or office work shall be permitted to work in excess of 40 hours in any one week, except that during any 6 weeks in any 6-month period such employees shall be permitted to work a maxi-

num of 48 hours in any one week. A normal day shall not exceed 8 hours.

(c) *Exceptions as to hours.*—The provisions of this Article shall not apply to outside salesmen or to employees engaged in executive, supervisory, or technical capacities who earn not less than \$35 per week. In case of an emergency, employees may work up to 10 hours in any one day, provided that they be paid time and one half for all hours in excess of 8 hours per day. The maximum hours shall not apply in the case of emergencies where the safety of life and health or the protection of property necessitates longer hours, provided that time and one half the regular rate be paid for all hours in excess of 8 hours per day.

(d) *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

(a) *Minimum Wages.*—No employees shall be paid in any pay period less than at the rate of 35¢ per hour, except as otherwise herein provided.

(b) *Minimum Wages for Clerical and Office Employees.*—No person employed in clerical or office work shall be paid less than at the rate of \$15 per week of 40 hours, except that office boys and girls may be paid a minimum wage of 80% of the established minimum for office employees. Such office boys and girls shall be limited to 5% of the total number of office employees in any given establishment; provided, however, that each establishment is entitled to at least one such employee.

(c) *Piecework Compensation—Minimum Wages.*—The established minimum rate of pay (Art. IV (a)) for the work performed in any pay period, shall apply, irrespective of whether an employee is actually compensated on time rate, piecework, or other basis.

(d) *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap may be employed in light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Such employees shall be paid not less than 80% of the minimum wage schedule.

(e) Unless a readjustment has already been made since June 16, 1933, equitable adjustments shall be made of the wages of employees now receiving more than the minimum wage as herein provided. Such equitable adjustments shall mean that differentials existing prior to the formation of this Code shall be maintained for all employees. Within thirty days each member shall report to the Administrator through the Code Authority all such readjustments.

ARTICLE V—GENERAL LABOR PROVISIONS

(a) *Child Labor.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval before May 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

(b) *Provisions from the Act.*—In compliance with Section 7 (a) of the Act it is provided:

(1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(2) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(3) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

(c) *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

(d) *Standards for Safety and Health.*—Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within six months after the effective date of this Code.

(e) *State Laws.*—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

(f) *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF CODE AUTHORITY

(a) There shall forthwith be constituted a Code Authority consisting of five (5) persons, four (4) of whom shall be selected by the Aluminum Research Institute and one of whom shall be selected by the Associate members of said Institute.

(b) In addition to the membership as above provided there may be a representative or representatives without vote but in no case to

exceed three (3) appointed by the Administrator to serve without expense to the industry for such terms as he may specify, to act as his representative or representatives or as a representative or representatives of such interested groups as he may specify.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership and (2) submit to the Administrator true copies of its Articles of Association, By-Laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(d) In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

(e) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by accepting their reasonable share of the cost of its preparation and administration. Such reasonable share of the expenses of preparation and administration shall be determined by the Code Authority, subject to review by the Administrator on the basis of volume of business and/or such other facts as may be deemed equitable.

(f) Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

(g) The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right on review to disapprove any action taken by the Code Authority.

(1) To insure the execution of the provisions of this Code and provide for the compliance of the industry with the provisions of the Act.

(2) To adopt By-Laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(3) To approve recommendations for exceptions to the marketing provisions of this Code.

(4) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports

shall be submitted by members to such Administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(5) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(6) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(7) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(8) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

ARTICLE VII—MARKETING AND TRADE PRACTICE RULES

(a) Each member of the industry shall file with the Code Authority the prices at which he is offering his products for sale, which prices shall not be less than his current cost as determined by a uniform system of cost accounting as provided for in section (k) of this Article, provided that any member of the industry may file below his current cost so determined in order to meet the competition of any other member of the industry who has filed prices in accordance with this section.

(b) In determining current cost, the cost of raw materials used in the manufactured product shall be computed on the basis of the published market prices as published in any daily trade paper thereof prevailing as of the date of sale.

(c) Any member of the industry desiring to change the price or prices of his product shall notify the Code Authority of all changes to be made three (3) full business days previous to quoting such change; provided, however, that if at any time the current cost of a member of the industry becomes greater than his filed price or prices, such member shall immediately file a new price or prices with the Code Authority in accordance with all of the provisions of section (a) of this Article, such new price or prices to become effective immediately.

(d) Published prices shall include terms of payment, quantity discounts, length of bookings or contracts and F.O.B. point, and such other provisions as may be necessary to fully inform the trade of all conditions of sale.¹

¹ See paragraph 2 of order approving this Code.

(e) Terms of sale shall be fully stated and strictly adhered to and strictly adhered to and invoice shall show same.

(f) There shall be no discrimination between customers. Difference in price based upon quantity shall not constitute discrimination.

(g) Prices and discounts shall be openly and publicly announced.

(h) A uniform sales contract shall be established and used by the industry, subject to the approval of the Administrator.

(i) All contracts shall be equally binding upon both parties and are not subject to repudiation.

(j) The following are unfair trade practices and the violation of any one or more of them constitutes a violation of this Code:

1. Selling below openly and publicly announced prices and terms as provided for in Sections (a) and (c) of this Article.

2. Secret allowances or secret rebates of any kind.

3. False dating of contracts or billings.

4. Allowances by any name or of any nature which are not justified by the facts or are made in collusion with the buyer, for the purpose or effect of defeating the provisions of this Code.

5. Storage of products in consumers' Warehouses, or sales on consignment to consumers, except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry make the practice advisable.

6. Special services or privileges to certain purchasers when not extended to all purchasers under like terms and conditions.

7. Making false or misleading statements about competitors' products, or regarding the character, management, or financial standing of a competitor.

8. False or misleading advertising, mislabeling, or misbranding.

9. The adoption of brands (either in design or name) which so closely approximate the brands or trade marks of a competitor as to deceive or confuse a buyer by similarity of appearance or brand.

10. Inducing or attempting to induce a breach or cancellation of a contract between a competitor and his customer.

11. Maliciously enticing away the employees of a competitor with the purpose and intent of unduly hampering, injuring, and embarrassing a competitor in his business. Nothing herein shall prevent any employee from offering his service to a competitor, or prevent any member from employing an employee of another member where the initiative in such change of employment comes solely from the employee.

12. No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

13. Guaranty against decline in price.

14. Substitution of any grade of aluminum and its alloys superior in composition to that specified, for the purpose of furnishing such material at prices lower than would otherwise prevail.

15. Entering into quantity contracts with buyers without obligation on their part to take delivery of the quantities specified in the contract or on the quotation for the purpose of giving special unwarranted prices.

16. Payment of brokerage in excess of the usual and customary commission with the purpose or effect of defeating the provisions of this Code.

17. Failure to report any statistics or data required by the provisions of this Code.

18. Publishing or circulating unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harrassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

19. Requiring that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

20. Violation of any of the fair-practice rules, regulations, or requirements of this Code.

(k) Cost accounting. Every member of the industry shall use a cost-accounting system which conforms to the principles of and is at least as detailed and complete as the uniform method of costing to be prescribed by the Code Authority and approved by the Administrator.

ARTICLE VIII—EXPORT TRADE

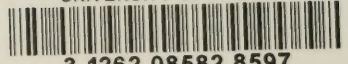
No provision of this Code relating to prices or terms of selling, shipping, or marketing, shall apply to export trade or sales or shipments for export trade of unfabricated products of this industry.

ARTICLE IX—MODIFICATION

(a) This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time, to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

(b) This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

(c) At the election of the Administrator this Code of Fair Competition may become a supplemental code to, or be coordinated with, the Code of Fair Competition for the Aluminum Industry, if and when such a Code is adopted and approved by the President for such industry, provided that the Code Authority herein constituted shall remain the Code Authority for the industry engaged in the production and manufacture of secondary aluminum and its alloys.



ARTICLE X—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies, or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective two weeks after its approval by the President.

Approved Code No. 268.
Registry No. 1203-1-03.

